

REMARKS

Claims 1-34 are all the claims pending in the application.

Claim Rejections - 35 U.S.C. § 103

Claims 1-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Horiguchi et al. (U.S. Pub. 2002/0071387, hereinafter “Horiguchi”) in view of Ha et al. (U.S. Patent 7,136,353, hereinafter “Ha”). Applicant respectfully traverses the rejection.

Independent claim 1 recites, *inter alia* (emphasis added):

determining a total transmission rate of said first and second relay connections based on the first and second transmission rates;

determining a first reallocated transmission rate and a second reallocated transmission rate, the first reallocated transmission rate and the second reallocated transmission rate apportioned from the total transmission rate; and

allocating the determined first reallocated transmission rate to said first relay connection and the determined second reallocated transmission rate to said second relay connection,

wherein the first source terminal, the second source terminal, the first destination terminal, and the second destination terminal are **different from each other**.

At pages 4 and 5 of the Office Action, the Examiner concedes that Horiguchi fails to teach or suggest the “determining a total transmission rate...,” the “determining a first reallocated transmission rate...,” and the “allocating...” for connections between “different” pairs of source and destination terminals recited in claim 1, but the Examiner’s position is based on the assertion that column 3, lines 49 to 62, of Ha allegedly cures the deficient disclosure of Horiguchi.

Applicant respectfully disagrees.

Ha only discloses “allocating a host-level transmission rate among multiple connections” (*see e.g.*, Ha, Abstract), which is a transmission rate between a single sender and a single

receiver. There is no teaching or suggestion of “allocating...to said first relay connection and...to said second relay connection, wherein the first source terminal, the second source terminal, the first destination terminal, and the second destination terminal are different from each other,” as recited in claim 1.

More specifically, Ha discloses that a “client application [] may comprise multiple applications,” and thus “the client [] and the server [] may communicate with one another via multiple, substantially-simultaneous connections” (*see* Ha, col. 6, ll. 1-9). In particular, “the IP layer [] and the TCP layer [] of the server...and...of the client...establish one or more virtual connections [] between the server [] and the client” (*see* Ha, col. 6, ll. 13-17). Accordingly, Ha recognizes “the problems associated with managing multiple simultaneous connections between a given client and a given server” (*see* Ha, col. 6, ll. 42-44; col. 7, ll. 2-3, “...multiple connections to the same host...”). As such, the “host-level transmission rate” in Ha is simply a “transmission rate between the sender and receiver” (*see* Ha, col. 3, ll. 54-57), but Ha does not contemplate managing connections between “different” pairs of source and destination terminals.

As shown above, the “host-level transmission rate” managed in Ha is, in fact, managed at the “host-level” for multiple connections between a same sender and a same receiver. There is no teaching or suggestion of “allocating...to said first relay connection and...to said second relay connection, wherein the first source terminal, the second source terminal, the first destination terminal, and the second destination terminal are different from each other,” as recited in claim 1. Therefore, Ha fails to cure the conceded, deficient disclosure of Horiguchi. As a result, even if Horiguchi and Ha could have somehow been combined, the combination of Horiguchi and Ha would still fail to teach or suggest the combination of features recited in claim 1, and hence claim

1 and its dependent claims are patentable over the combination of Horiguchi and Ha for at least these reasons.

To the extent that independent claims 8, 15, 22, 33, and 34 recite features similar to those discussed above regarding claim 1, claims 8, 15, 22, 33, 34, and their dependent claims are also patentable over the combination of Horiguchi and Ha for at least reasons analogous to those discussed above regarding claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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